## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 9, 13 and 20 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

**Interview with the Examiner:**

Applicant thanks the Examiner for conducting an interview in this application. The Examiner spoke with Applicant's counsel on December 6, 2007 regarding the application of prior art. The Examiner and Applicant's counsel agreed that a supplemental amendment would be entered that would be considered by the Examiner before sending the next Office Action. Further, the Examiner and Applicant's counsel discussed the rejection of claim 19 under Heckel, and the combination of Heckel and Burke. The Examiner agreed to reconsider this rejection, on the basis that claim 8, which contains analogous features, is currently rejected under the combination of Heckel with Hunter.

**Prior Art Rejections:**

Claims 1-4, 6, 9-11, 13-15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckel (U.S. Patent No. 6,036,601). Claims 1-4, 6, 9-11, 13-15, 19 and 20 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Burke (U.S. Patent No. 5,848,399). Claims 5, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Kusumoto et al. (U.S. Patent No. 6,954,728) (hereinafter Kusumoto). Claims 7, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Hunter (U.S. Patent Application Pub. No. 2002/0156858). These rejections are traversed for at least the reasons given below.

Claims 1-4, 6, 9-11, 13-15, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckel. Independent claims 1 recites the feature of "a controller for determining a particular position at which to initially place the three-dimensional advertisement image to be shown in the three-dimensional virtual space based on at least one of a specific position of the avatar within the three-dimensional virtual space and a specific

direction of movement of the avatar within the three-dimensional virtual space." Analogous features can be found in independent claims 9, 13 and 20.

Heckel fails to teach this feature of the invention as claimed. Specifically, there is no teaching or suggestion in Heckel that the initial placement of an advertisement in the three-dimensional virtual space is based upon either the position of the avatar or the direction of movement of the avatar. Rather, Heckel teaches that:

"The game's virtual space will have several locations, provided in the texture information 50, where the ad textures 15 received from the ad server 26 will be appropriate to display in lieu of the default game textures." (Heckel: column 4 line 66 to column 5, line 3)

Thus, ads are placed in the virtual world based on predetermined locations. This is in contrast to the invention as claimed in the independent claims, in which the three-dimensional advertisement system includes "controller for **determining a particular position at which to initially place the three-dimensional advertisement image** to be shown in the three-dimensional virtual space **based on at least one of a specific position of the avatar within the three-dimensional virtual space and a specific direction of movement of the avatar within the three-dimensional virtual space**." There is no teaching or suggestion in Heckel that the initial position of the ad in the virtual space is determined based on a position or movement of the avatar. Rather, as shown above, the position of the ad is based on a predetermined location in the game's virtual space, such that the ad does not provide distraction within the gaming environment. If this rejection is maintained, the Office is respectfully requested to point out where these features are found in Heckel

Therefore, independent claims 1, 9, 13 and 20 are neither disclosed nor suggested by the Heckel reference and, hence, are believed to be allowable. Because they depend from independent claim 1, dependent claims 2-4, 6,11, 12, 15, 16, 21 and 22 are believed to be allowable for at least the same reasons that independent claims 1, 9, 13 and 20 are believed to be allowable.

Claims 1-4, 6, 9-11, 13-15, 19 and 20 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Burke. Here, the Office brings in Burke to teach a 3-dimensional virtual world, while still relying on Heckel to teach the positioning of the

advertisement within that world. Thus, Heckel still fails to teach a three-dimensional advertisement system that includes "controller for **determining a particular position at which to initially place the three-dimensional advertisement image to be shown** in the three-dimensional virtual space **based on at least one of a specific position of the avatar within the three-dimensional virtual space and a specific direction of movement of the avatar within the three-dimensional virtual space**." Burke does not make up for the deficiencies of Heckel as shown above. There is no teaching or suggestion in Burke of determining the initial position of an advertisement in a virtual world based upon the position of a user's avatar in that world. In fact, Burke does not deal with advertisements; rather Burke presents a virtual world of a shop, in which the user is given different views of products to gain a better display of the product. There is no teaching or suggestion in Burke of placing advertisements into the shop. Thus, neither Heckel nor Burke teach all of the features of the independent claims. If this rejection is maintained, the Office is respectfully requested to point out where these features are found in either Heckel or Burke.

As mentioned above, independent claims 1, 9, 13 and 20, and the corresponding dependent claims, are believed to be allowable.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Kusumoto. Kusumoto fails to make up for the deficiencies of Heckel as shown above. Kusumoto allegedly teaches the use of audio in advertisements. There is no teaching or suggestion in Kusumoto of a three-dimensional advertisement system that includes "a controller for determining a particular position at which to initially place the three-dimensional advertisement image to be shown in the three-dimensional virtual space based on at least one of a specific position of the avatar within the three-dimensional virtual space and a specific direction of movement of the avatar within the three-dimensional virtual space." Therefore, claims 5 and 12 are neither disclosed nor suggested by the Heckel and Kusumoto references and, hence, are believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

Claims 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckel in view of Hunter. Hunter fails to make up for the deficiencies of Heckel as shown. There is no teaching or suggestion in Hunter of a three-dimensional advertisement system that

includes "controller for determining a particular position where the three-dimensional advertisement image is to be shown in the three-dimensional virtual space based on at least one of a specific position of the avatar within the three-dimensional virtual space and a specific direction of movement of the avatar within the three-dimensional virtual space."

Dependent claim 7 depends from independent claim 1 and, thus, is neither disclosed nor suggested by the Heckel reference for at least the same reasons that independent claim 1 is neither disclosed nor suggested by the Heckel reference.

Independent claim 8 recites a three-dimensional advertising server with a feature that, "the three-dimensional advertising server is configured to generate the signal so as to specify that the at least one client is to move the three-dimensional advertisement image within the three-dimensional virtual space by changing a position of the three-dimensional advertisement image within the three-dimensional virtual space." Thus, the invention as claimed teaches moving an advertisement within a three-dimensional virtual space, upon the generation of a signal from a timer. Such a feature is neither disclosed nor suggested in the Heckel reference.

As the Office notes in the Office Action, "video clip advertisements have movement embedded in them which reads on changing a position." (page 3, item 3, paragraph 2, lines 8-9) Even if this were to read on changing a position of an advertisement in the virtual world (which it does not), this still would not meet the limitations of the independent claims. Specifically, claim 8 requires the generation of a signal to specify that the client moves the advertisement image in the virtual world. There is no teaching or indication of a such a signal in Heckel. Thus, Heckel fails to teach this feature of claim 8.

Furthermore, Hunter does not cure the deficiencies with respect to the teaching of Heckel noted above. Hunter teaches selling time slots to advertisers, such that at a specific time slot, an advertisement from an advertiser will appear on a display. Thus, Hunter teaches placing an advertisement in a virtual world at a predetermined time. The invention as claimed teaches taking an advertisement that is already existent in a three-dimensional virtual space, and moving that advertisement upon the trigger of a timer's signal. There is no teaching or suggestion in Hunter of moving an advertisement in a virtual world based on a generated signal. Thus, Hunter also fails to teach the features of independent claim 8. If this

rejection is maintained, the Office is respectfully requested to point out where these features are found in either Heckel or Hunter.

Therefore, claims 7, 8, and 16 are neither disclosed nor suggested by the Heckel and Hunter references and, hence, are believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

**Conclusion:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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